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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/173,040	10/15/1998	JOHN MADDALOZZO JR.	AT9-98-132	1186

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/173,040

Applicant(s)

MADDALOZZO ET AL.

Examiner

CESAR B. PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the appeal brief filed on 1/4/2003.

This action is made Non-Final.

2. In the amendment claims 1, 3-6, 8-11, and 13-27 are pending in the case. Claims 1, 6, 11, 19, 22, and 25 are independent claims.

3. The rejections of claims 1, 4, 6, 9, 11, 14, 16-17, 19-20, 22-23, and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo (Pat. # 6,275,829, 8/14/01, filed on 11/25/97), in view of Cragun et al, hereinafter Cragun (Pat. # 6,324,553, 11/2701, filed on 11/26/97) have been withdrawn as necessitated by the newly found prior art.

4. The rejections of claims 3, 5, 8, 10, 13, 15, 18, 21, 24, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, in view of Cragun, and further in view of Stone et al, hereinafter Stone (Pat. # 6,101,510, 8/8/00, filed on 1/29/97) have been withdrawn as necessitated by the newly found prior art.

Drawings

5. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

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Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 3, 5, 8, 10, 13, 15, 18, 24, and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 3, and 5 recite “resuming displaying said image file”, and “resuming downloading data representing said image file” in respectively. It is not evident from the specification that a user stops or pauses the downloading/displaying of an unwanted image, and then resumes the downloading/displaying of the same unwanted or undesired image file. Claims 8, 10, 13, 15, 18, 24, and 27 contain limitations similar to those in claims 3, and 5 above, and therefore are likewise rejected.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3, 5, 8, 10, 13, 15, 18, 24, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, and 5 recite “resuming displaying said image file”, and “resuming downloading data representing said image file” respectively. It seems contradictory that a user stops or pauses the downloading/displaying an unwanted image, and

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then resumes the downloading/displaying of the same, because it is implied that if the user does not want the file, then there would be no motivation for the user to go back to the undesired file. Claims 8, 10, 13, 15, 18, 24, and 27 contain limitations similar to those in claims 3, and 5 above, and therefore are likewise rejected.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3-6, 8-11, and 13-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun (Pat. # 6,324,553, 11/2701, filed on 11/26/97).

Regarding independent claim 1, Cragun teaches the selective halting of images in HTML pages as desired by a user while the image is being displayed. The pages have *text*, and graphic *images*, which are loaded, and *displayed* into a browser (col. 1, line 47-col.2, line 37, fig.14A-B).

Furthermore, Cragun teaches a user selecting an image, displayed on a screen, that the user desires to be blocked. The image, which is displayed on the screen, is blocked in response to the selection (col.2, lines 27-37, fig.14A-B)—*independently halting the display of said image file, while the image file is being displayed on the screen, if said image file is not of interest.*

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Regarding claim 3, which depends on claim 1, Cragun teaches removing an image entry from a blocking list to redisplay or unblock the display of the image (col.13, lines 22-46)—*resuming displaying said image file after halting said image file.*

Regarding claim 4, which depends on claim 1, Cragun teaches using a blocking list to block or stop the downloading, present, and subsequent display of the image (col.2, lines 27-37, col.12, lines 35-67, fig.14A-B)—*stopping downloading data representing said image file to said display system.*

Regarding claim 5, which depends on claim 3, Cragun teaches removing an image entry from a blocking list to redisplay or unblock the display of the image (col.13, lines 22-46)—*resuming downloading data representing said image file to said display system.*

Claims 6, 8-10 are directed towards an apparatus for controlling, and implementing the steps found in claims 1, 3-5 respectively, and therefore are similarly rejected.

Claims 11, and 13-15 are directed towards a computer program product having computer program code for storing the steps found in claims 1, and 3-5 respectively, and therefore are similarly rejected.

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Regarding independent claim 16, Cragun teaches the retrieval, and display of pages containing *text*, and graphic *images*, which are loaded, and *displayed* into a browser (col. 1, line 47-col.2, line 37, fig.14A-B).

Furthermore, Cragun teaches a user selecting an image, and subsequently causing the creation of a blocking list to block or stop the downloading, present, and subsequent display of the image (col.2, lines 27-37, col.12, lines 35-67, fig.14A-B)—*independently stopping, while said document is being downloaded, the download of said image file, if said image file is not of interest to a user.*

Regarding claim 17, which depends on claim 16, Cragun teaches a user selecting an image, and subsequently causing the creation of a blocking list to block or stop the downloading, present, and subsequent display of the image. The image is displayed using a user-specified delay in seconds, and then it is hidden or blocked from user's view (col.2, lines 27-37, col.11, lines 32-40, col.12, lines 35-67, fig.14A-B)—*halting the display of said image file while said image is being displayed.*

Claim 18 is directed towards a method resembling the steps found in claim 3, and therefore is similarly rejected.

Claims 19-21 are directed towards a computer program product having computer program code for storing the steps found in claims 16-17, and 3 respectively, and therefore are similarly rejected.

Claims 22-24 are directed towards an apparatus for implementing the steps found in claims 16-17, and 3 respectively, and therefore are similarly rejected.

Claims 25-27 are directed towards an apparatus for implementing the steps found in claims 16-17, and 3 respectively, and therefore are similarly rejected.

12. Claims 1, 4, 6, 9, 11, 14, 16-17, 19-20, 22-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (Pat. # 5,991,781, 11/23/1999, filed on 9/27/1996).

Regarding independent claim 1, Nielsen teaches the *displaying* of a mapped *image*, and *text* to indicate hyperlinks to other information (col. 3, line 21-34).

Furthermore, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64)—*independently halting the display of said image file, while the image file is being displayed on the screen, if said image file is not of interest*. As a result of stopping the image from downloading and displaying, the time required for displaying web pages is reduced.

Regarding claim 4, which depends on claim 1, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64) —*stopping downloading data representing said image file to said display system*.

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Claims 6, and 9 are directed towards an apparatus for controlling, and implementing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Claims 11, and 14 are directed towards a computer program product having computer program code for storing the steps found in claims 1, and 4 respectively, and therefore are similarly rejected.

Regarding independent claim 16, Nielsen teaches the downloading, and *displaying* of a mapped *image*, and *text* to indicate hyperlinks to other information (col. 3, line 21-50).

Furthermore, Nielsen teaches the invoking of a command to stop the image download of the image, which take significant amount of time to download, and displaying the text in its stead (col. 3, line 28-64) —*independently stopping, while said document is being downloaded, the download of said image file, if said image file is not of interest to a user*. As a result of stopping the image from downloading and displaying, the time required for displaying web pages is reduced.

Regarding claim 17, which depends on claim 16, Nielsen teaches the invoking of a command to stop the image download, and display of the image, which take significant amount of time to display, and displaying the text in its stead (col. 3, line 28-64)—*halting the display of said image file while said image is being displayed*.

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Claims 19-20 are directed towards a computer program product having computer program code for storing the steps found in claims 16-17, and therefore are similarly rejected.

Claims 22-23 are directed towards an apparatus for implementing the steps found in claims 16-17, and therefore are similarly rejected.

Claims 25-26 are directed towards an apparatus for implementing the steps found in claims 16-17, and therefore are similarly rejected.

Response to Arguments

13. Applicant's arguments filed 11/4/2003 have been fully considered but they are not persuasive. The Applicant notes that Cragun does not teach or suggest the independent halting of an image, while it is being displayed (page 4, parag.4-5). The Examiner disagrees, because Cragun teaches the selective/independent halting of an image, while the computer is displaying it on the computer screen (c.2,L.1-37, fig. 14A-B). The image only stops being displayed only after the user has indicated the computer to do so.

14. Applicant's arguments with respect to claims 3, 5, 8, 10, 13, 15, 18, 21, 24, and 27 have been considered but are moot in view of the new ground(s) of rejection. The Applicant submits that Stone does not teach or suggest the independent halting of an image, while it is being displayed (page 5). The Examiner disagrees, because as it was indicated above, Cragun teaches the selective/independent halting of an image, while the computer is displaying it on the

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computer screen (c.2,L.1-37, fig. 14A-B). The image only stops being displayed only after the user has ordered the computer to remove the image from the screen. The Applicants are also directed towards the rejections of the claims in light of the newly applied rejections in view of Nielsen.

Conclusion

- I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote et al. (Pat. # 6,785,865).
- II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

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Any response to this Action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)



**CESAR PAULA
PRIMARY EXAMINER**

6/29/05